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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/718,100	11/20/2003	Angelo Bettinzoli	TJK/431	9896
27717	7590	02/14/2005	EXAMINER	
SEYFARTH SHAW 55 EAST MONROE STREET SUITE 4200 CHICAGO, IL 60603-5803			SY, MARIANO ONG	
			ART UNIT	PAPER NUMBER
			3683	

DATE MAILED: 02/14/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/718,100

Applicant(s)

BETTINZOLI, ANGELO

Examiner

Mariano Sy

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 10 January 2005.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-26 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-26 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 02232004.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

### **DETAILED ACTION**

1. Examiner has withdrawn the election of specie requirement.
2. Applicant is reminded of the proper language and format for an abstract of the disclosure.

The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

### ***Claim Rejections - 35 USC § 112***

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 1-26 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1 recites the limitation "there being slidable coaxially" in line 3. It is vague and unclear what applicant is referring to.

Claim 5 recites the limitation "the outer spring" in line 2. There is insufficient antecedent basis for this limitation in the claim.

Claim 6 recites the limitation "said means for fastening the second end of the first spring" in lines 1-2. There is insufficient antecedent basis for this limitation in the claim.

Claim 8 recites the limitation "the surface" in line 2. There is insufficient antecedent basis for this limitation in the claim.

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Claim 11 recites the limitation "the head" in line 2. There is insufficient antecedent basis for this limitation in the claim.

Claim 14, the phrase "and the like" renders the claim(s) indefinite because the claim(s) include(s) elements not actually disclosed (those encompassed by "or the like"), thereby rendering the scope of the claim(s) unascertainable. See MPEP § 2173.05(d).

Claim 14 recites the limitation "there being slidable coaxially" in line 3. It is vague and unclear what applicant is referring to.

Claim 19 recites the limitation "said means for fastening the second end of the first spring" in lines 1-2. There is insufficient antecedent basis for this limitation in the claim.

Claim 22 recites the limitation "the surface" in line 2. There is insufficient antecedent basis for this limitation in the claim.

Claim 24 recites the limitation "the head" in line 2. There is insufficient antecedent basis for this limitation in the claim.

### ***Claim Rejections - 35 USC § 102***

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

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6. Claims 1, 2, 10, 11, 13, 14, 15, 21, 24, and 26 are rejected under 35

U.S.C. 102(b) as being anticipated by Gronbach (GB 1,422,808).

Re-claims 1, 2, 14, and 15 Gronbach disclosed, as shown in fig. 1-2, a hinge with a moveable axis for doors comprising: a balancing device that includes a sleeve 8 provided with a seat formed in a head of the sleeve for retaining a first end of a first coaxial spring 6, another end of which has a fastening element 10, a spindle 5, one end inside said first spring, a first means 9 for retaining one end of a second spring 6' which is coaxial with the first spring and the other end is housed inside a corresponding seat 8 of said sleeve, said first spring having a load greater than said second spring.

Re-claims 10 and 21, wherein said spindle has transverse projections 7.

Re-claims 11 and 24, wherein said spindle has a section adjacent to the head with a widened section.

Re-claims 13 and 26 wherein said second spring is a compression spring.

7. Claims 1-5, 7-9, 12, and 13 are rejected under 35 U.S.C. 102(b) as being anticipated by H. Pletsch (US 991,539).

Re-claims 1 and 2 H. Pletsch disclosed, as shown in fig. 1-2, a load-balancing device comprising: a sleeve C provided with means for retaining a first end of a first coaxial spring A, another end has a fastening element B', a spindle D, one end inside said first spring, a first means F for retaining one end of a second spring E which is coaxial with the first spring and the other end is housed inside a corresponding seat of said sleeve C, said first spring having a load greater than said

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second spring; wherein said means for retaining the end of said first spring comprises a seat in a head of the sleeve C.

Re-claims 3-5, see figure 1-2, said sleeve C which is coaxially hollow, wherein said means for retaining the first end of said first spring comprises a thread that has pitch corresponding to pitch of the first spring.

Re-claims 7 and 8, see fig. 1-2, wherein said spindle has one end, inside the first spring, having a head F provided with a seat for housing one end of the second spring; wherein another end of the second spring is housed inside a corresponding seat in a surface (facing the second spring) of the sleeve C.

Re-claim 9, wherein an outer free end of said spindle has a hole D'.

Re-claim 12, wherein said first spring is an extension spring.

Re-claim 13, wherein said second spring is an extension spring.

### ***Claim Rejections - 35 USC § 103***

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claims 6, 14-20, 22, 23, 25, and 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over H. Pletsch in view of Hanley et al. (US 5,025,776).

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Re-claims 6 and 19 H. Pletsch disclosed wherein the means for fastening the second end of first spring A comprises Plug B that has a threaded hole but failed to disclose a hook.

Hanley et al. teaches, as shown on fig. 4, means for fastening a second end of a spring is a hook.

It would have been obvious to one of ordinary skill in the art to have modify the means for fastening the second end of first spring of H. Pletsch with a hook, as taught by Hanley et al., in order to ease assembly of hinge components to the end of the spring.

Re-claims 14 and 15 H. Pletsch disclosed, as shown in fig. 1-2, a balancing device that includes a sleeve C provided with means for retaining a first end of a first coaxial spring A, another end has a fastening element B', a spindle D, one end inside said first spring, a first means F for retaining one end of a second spring E which is coaxial with the first spring and the other end is housed inside a corresponding seat of said sleeve C, said first spring having a load greater than said second spring; wherein said means for retaining the end of said first spring comprises a seat in a head of the sleeve C.

However H. Pletsch disclosed the balancing device wherein the spring can connect to any mechanical device but was silent to disclose wherein the balancing device is connected to a hinge with a movable axis for doors of electric household appliances.

Hanley et al. teaches, as shown in fig. 1-4, a hinge with a movable axis for oven door.

It would have been obvious to one of ordinary skill in the art to have connect the balancing device of H. Pletsch to a hinge with a movable axis for doors of electric household appliances, as taught by Hanley et al., is a matter of design choice of application to any mechanical device.

Re-claims 16-18, see figure 1-2, said sleeve C which is coaxially hollow, wherein said means for retaining the first end of said first spring comprises a thread that has pitch corresponding to pitch of the first spring.

Re-claims 20 and 22, see fig. 1-2, wherein said spindle has one end, inside the first spring, having a head F provided with a seat for housing one end of the second spring; wherein another end of the second spring is housed inside a corresponding seat in a surface (facing the second spring) of the sleeve C.

Re-claim 23, wherein an outer free end of said spindle has a hole D'.

Re-claim 25, wherein said first spring is an extension spring.

Re-claim 26, wherein said second spring is an extension spring.

10. Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over H. Pletsch in view of Gronbach (GB 1 422 808).

Re-claim 10 H. Pletsch failed to disclose wherein said spindle has transverse projections.

Gronbach teaches, as shown in fig. 1, a spindle 5 has transverse projections 7.



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It would have been obvious to one of ordinary skill in the art to have modify the spindle of H. Pletsch by adding transverse projections, as taught by Gronbach, in order to act as a stop for the sleeve of the spring.

11. Claim 21 is rejected under 35 U.S.C. 103(a) as being unpatentable over H. Pletsch in view of Hanley et al. as applied to claim 14 above, and further in view of Gronbach (GB 1 422 808).

Re-claim 21 H. Pletsch as modified failed to disclose wherein said spindle has transverse projections.

Gronbach teaches, as shown in fig. 1, a spindle 5 has transverse projections 7.

It would have been obvious to one of ordinary skill in the art to have modify the spindle of H. Pletsch as modified by adding transverse projections, as taught by Gronbach, in order to act as a stop for the sleeve of the spring.

12. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Z. Robinson	(US 1,556,717)
J.H. Brown et al.	(US 2,833,270)
Kleinhenn	(US 3,749,080)
Kendall	(US 4,021,968)
Wrotny	(US 4,269,165)
Fialon	(US 4,854,559)

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McKinney et al. (US 5,822,925)

Faringosi (US 5,937,481)

Pelletier et al. (US 6,397,836)


Gronbach (US 6,438,799)

13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mariano Sy whose telephone number is 703-308-3427.


The examiner can normally be reached on Mon.-Fri. from 9:00 A.M. to 3:00 P.M.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Bucci, can be reached on 703-308-3668. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

 M. Sy

February 7, 2005

  
2/10/2005  
MATTHEW C. GRAHAM  
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